IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.2667 of 2005

Date of Decision: 21.09.2006

Gian Chand ...Petitioner

Vs.

The Municipal Committee, Indri. ...Respondent

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.S.P.Laler, Advocate,
for the petitioner.

Mr.Jagdish Manchanda, Advocate,
for the respondent.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed against the order dated 22.4.2005 passed by the learned Addl. District Judge, Karnal vide which the learned lower appellate court has remanded the case for fresh decision as application under Order 39 Rules 1 and 2 was not decided on merit and was disposed of on the consent of the parties which was contested by the respondent herein.

In view of the stand taken by the respondent-defendant before the lower Appellate Court that no such instructions were issue to the counsel to give concession and in the absence of any written consent, the learned lower Appellate Court was right in remanding the case for decision on merit.

There is no error in exercise of jurisdiction which may call for interference by this court in revisional jurisdiction.

Dismissed.

(Vinod K.Sharma)
Judge

21.09.2006
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